

§ 392.5

(k) Programs in support of Area Small Business Councils; Federal procurement conferences sponsored by members of Congress in their constituencies; economic development entities of States, counties, and municipalities; and industry trade associations promoting the growth of small businesses, small disadvantaged businesses, and women-owned small businesses.

§ 392.5 Relationships.

(a) In the performance of the above functions, the Director, SADBUE, shall:

(1) Coordinate and exchange information with officials of other DoD Components having collateral or related functions.

(2) Use existing systems, facilities, and services of the Department of Defense and other Federal Agencies, whenever practicable, to achieve maximum efficiency and economy.

(3) Operate a Central Procurement Information Office for the Department of Defense.

(b) Other OSD officials and the Heads of DoD Components shall coordinate with the Director, SADBUE, on all matters related to the functions in § 392.4.

§ 392.6 Authorities.

The Director, SADBUE, is hereby delegated authority to:

(a) Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M, that implement policies approved by the Secretary of Defense in the functions assigned to the Director, SADBUE. Instructions to the Military Departments shall be issued through the Secretaries of those Departments, or their designees. Instructions to Unified and Specified Commands shall be issued through the Chairman, JCS (CJCS).

(b) As authorized by Section 15 U.S.C. 644(k)(4), exercise supervisory authority over DoD personnel to the extent that their functions and duties relate to the functions and duties assigned to the Director, SADBUE, by 15 U.S.C. Sections 637 and 644.

(c) Assign small business technical advisers to the DoD Components in accordance with 15 U.S.C. Section 644(k)(6).

32 CFR Ch. I (7-1-05 Edition)

(d) Obtain reports, information, advice, and assistance, consistent with DoD Directive 7750.5, as necessary, in carrying out assigned functions.

(e) Communicate directly with the Heads of the DoD Components. Communication to Commanders of the Unified and Specified Commands shall be coordinated with the CJCS.

(f) Establish arrangements for DoD participation in non-Defense governmental programs for which the Director, SADBUE, is assigned primary staff cognizance.

(g) Communicate with other Government Agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

PART 395—DEFENSE LEGAL SERVICES AGENCY

Sec.

395.1 Purpose.

395.2 Definition.

395.3 Organization and management.

395.4 Functions and responsibilities.

395.5 Relationships.

395.6 Authorities.

APPENDIX TO PART 395—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. 133.

SOURCE: 55 FR 2808, Jan. 29, 1990, unless otherwise noted.

§ 395.1 Purpose.

This part, pursuant to the authority vested in the Secretary of Defense under title 10, United States Code, updates the Defense Legal Services Agency (DLSEA) charter with functions, responsibilities, relationships, and authorities as outlined herein.

§ 395.2 Definition.

DoD Components. The Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, and the DoD Field Activities.

§ 395.3 Organization and management.

(a) The DLSEA is established as a separate agency of the Department of Defense under the direction, authority,

and control of the General Counsel of the Department of Defense (GC, DoD). It shall consist of a Director and such subordinate organizational elements as are established by the Director within resources assigned by the Secretary of Defense. It shall include the legal staffs assigned to the Defense Agencies and DoD Field Activities.

(b) Budgeting, management of ceiling spaces, personnel services, and other administrative support for DLSA personnel shall be the responsibility of the Defense Agency or Field Activity to which those personnel are assigned.

(c) The GC, DoD, shall serve as the Director, DLSA.

§ 395.4 Functions and responsibilities.

The *Director, Defense Legal Services Agency* (DLSA), shall:

(a) Organize, direct, and manage the DLSA and all resources assigned to the DLSA.

(b) Provide legal advice and services for the Defense Agencies, DoD Field Activities, and other assigned organizations.

(c) Provide technical support and assistance for development of the DoD Legislative Program.

(d) Coordinate DoD positions on legislation and Presidential Executive orders.

(e) Provide a centralized legislative document reference and distribution point for the Department of Defense, and maintain the Department's historical legislative files.

(f) Develop DoD policy for standards of conduct and administer the Standards of Conduct Program for the OSD and other assigned organizations.

(g) Administer the Defense Industrial Security Clearance Review Program.

(h) Perform such other duties as the Secretary or Deputy Secretary of Defense may prescribe.

§ 395.5 Relationships.

(a) In performance of assigned responsibilities and functions, the Director, DLSA, shall:

(1) Coordinate actions and exchange information with other DoD organizations having collateral or related functions.

(2) Promote coordination, cooperation, and mutual understanding of

matters pertaining to assigned functions within the Department of Defense and between the Department of Defense, other Government Agencies, and the public.

(3) Serve on boards, committees, and other groups concerned with matters pertaining to assigned functions, and represent the Secretary of Defense on assigned functions outside the Department of Defense.

(4) Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

(5) Provide professional supervision for DLSA attorneys serving in Defense Agencies, DoD Field Activities, and other organizations to which such attorneys are assigned. This includes, in consultation with the DoD Component head concerned, evaluation of their performance and/or other action that may be necessary based on professional performance.

(b) All DoD Components shall coordinate with the Director, DLSA, on matters related to the functions in § 395.4.

§ 395.6 Authorities.

The Director, DLSA, is delegated authority to:

(a) Obtain reports, information, advice, and assistance from other DoD Components, consistent with DoD Directive 7750.5¹ to carry out assigned functions and responsibilities, as necessary.

(b) Communicate directly with the heads of the DoD Components. Communications to the Commanders of Unified and Specified Commands shall be coordinated through the Chairman, Joint Chiefs of Staff (CJCS).

(c) Communicate with other Government Agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

APPENDIX TO PART 395—DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and subject to his direction, authority, and control, and in accordance with DoD policies, Directives, and

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

Instructions, the Director, DLSA, or, in the absence of the Director, the person acting for the Director is hereby delegated authority, as required in the administration and operation of DLSA, to:

1. In accordance with 5 U.S.C. 7532, Executive Order 10450, as amended, and DoD Directive 5200.2:²

a. Designate positions as “sensitive”;

b. Authorize, in case of an emergency, the appointment to a sensitive position, for a limited period of time, of a person for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

c. Authorize the suspension, but not terminate the service, of an employee in the interest of national security.

2. Authorize and approve overtime work for civilian officers and employees in accordance with subchapter V, chapter 55, title 5, U.S.C., and applicable Civil Service Regulations.

3. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to 44 U.S.C. 3102.

4. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals, consistent with 44 U.S.C. 3702.

5. Comply with the policies and procedures prescribed in DoD 5025.1–M.³

PART 398—DEFENSE LOGISTICS AGENCY (DLA)

Sec.

398.1 Purpose.

398.2 Mission.

398.3 Organization and management.

398.4 Responsibilities and functions.

398.5 Authority.

398.6 Relationships.

398.7 Administration.

APPENDIX A TO PART 398—ASSIGNED DoD PROGRAMS AND/OR SYSTEMS

APPENDIX B TO PART 398—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. 191–193.

SOURCE: 54 FR 2101, Jan. 19, 1989, unless otherwise noted. Redesignated at 58 FR 39360, July 22, 1993.

§ 398.1 Purpose.

Pursuant to authority vested in the Secretary of Defense under title 10, this part revises 32 CFR part 398 to update the responsibilities, functions, re-

lationships, and authorities of the Defense Logistics Agency (DLA).

[54 FR 2101, Jan. 19, 1989. Redesignated and amended at 58 FR 39360, July 22, 1993]

§ 398.2 Mission.

The DLA shall function as an integral element of the military logistics system of the Department of Defense to provide effective and efficient worldwide logistics support to the Military Departments and the Unified and Specified Commands under conditions of peace and war, as well as to other DoD Components, Federal Agencies, foreign governments, or international organizations, as assigned. This support shall include:

(a) The provision of material commodities and items of supply that have been determined, through the application of approved criteria, to be appropriate for integrated management by a single agency on behalf of all DoD Components, of that has been otherwise specifically assigned by appropriate authority.

(b) The performance of logistics services directly associated with furnishing material commodities and items of supply (hereafter referred to as “Items”).

(c) The administration of Department-wide supply and logistics management systems, programs, and activities, as assigned, including the provision of technical assistance, support services, and information.

§ 398.3 Organization and management.

DLA is established as a Combat Support Agency of the Department of Defense under the overall supervision of the Under Secretary of Defense for Acquisition (USD(A)) and, with the exception of those responsibilities, functions and relationships assigned to the Chairman, Joint Chiefs of Staff (CJCS), by this part, is under the direction, authority, and control of the USD(A) pursuant to 32 CFR part 382. It shall consist of a Director and such subordinate organizational elements as are established by the Director or specifically assigned to the Agency by the Secretary of Defense.

²See footnote 1 to § 395.6(a).

³See footnote 1 to § 395.6(a).